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Bramford to Twinstead Reinforcement

Volume 8: Examination Submissions

Document 8.8.4.2: Applicant's Written Summaries of Oral Submissions to Issue Specific Hearing 6

Final Issue A
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The Infrastructure Planning (Examination Procedure) Rules 2010 Regulation 8(1)(k)

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1. About this document

1.1 Introduction

- 1.1.1 This document summarises the case put by National Grid Electricity Transmission plc (the Applicant), at Issue Specific Hearing 6 (ISH6) on 14 December 2023 for the Bramford to Twinstead Reinforcement Project (referred to as the project).
- 1.1.2 The virtual hearing opened at 09:30 on 14 December 2023 and closed at 13:26 on 14 December 2023. The agenda for the hearing [EV-030] was published on the Planning Inspectorate’s website on 4 December 2023.
- 1.1.3 In what follows, the Applicant’s submissions on the points raised broadly follow the items set out in the Examining Authority’s agenda.

1.2 Attendees on behalf of the Applicant

- 1.2.1 Rebecca Clutten, Counsel instructed by Bryan Cave Leighton Paisner LLP (BCLP) appeared on behalf of the Applicant.
- 1.2.2 The following expert witnesses also made submissions throughout the hearing:
 - Kate Carpenter, Jacobs (Access and Highways Design);
 - Jonathan Hale, Jacobs (Transport Planning);
 - Christopher Greenland, Jacobs (Highways Design);
 - Ali Leeder, Arup (Planning Policy and Consents); and
 - Robert Jones, National Grid (Engineering and Design).

2. The Applicant's Summary of Case on Item 3.0: Transport Assessment and Methodology Used to Assess Traffic Impacts

2.1 Item 3.0. Transport Assessment and Methodology Used to Assess Traffic Impacts

Table 2.1 – Item 3.0. Transport Assessment and Methodology Used to Assess Traffic Impacts

Issue Discussed	Summary of Oral Case
3.1. Discussions Between the Applicant and the Local Highway Authorities in Relation to the Applicant's Transport Assessment Since Issue Specific Hearing 3 (9 November 2023)	
Data and information shared between the Applicant and the local highway authorities	<p>The Applicant confirmed that in addition to the documents submitted at Deadline 5, Temporary Access Route off the A131 Concept Design and Swept Path Assessment [REP5-026] and Construction Schedules with Critical Path [REP5-027], the data and information shared by the Applicant directly with the local highway authorities (Suffolk County Council and Essex County Council) has included:</p> <ul style="list-style-type: none">• GIS data of the Order limits, vegetation removal plans and access locations;• Spreadsheets of baseline flow and traffic speed at 167 sites;• An explanatory note identifying the survey locations;• A more accessible spreadsheet version of the Transport Assessment Construction Vehicle Profile Data [REP4-006];• A visibility splay for access AB-AP5, providing further detail on the geometry of the access at Rose Cottage; and• Four reports from Wynns, including evaluation of the routes likely to be used by abnormal indivisible loads (AIL). This is submitted at Deadline 6, as Reports on Abnormal Indivisible Load (AIL) Access for Cable Drums, Transformers and Shunt Reactors (document 8.8.11).

Issue Discussed	Summary of Oral Case
Update on the current position and discussions ongoing with the local highway authorities	<p>The Applicant confirmed that progress continues to be made on highways matters as part of the ongoing discussions. The regular meetings with the local highway authorities continue at scheduled two week intervals.</p> <p>The Applicant stated that AIL specific route proposals and further swept path analysis would be addressed and developed in the detailed design stage and submitted to the local highway authorities.</p> <p>The Applicant confirmed that helpful discussion on determining highway boundaries continues as part of the regular meetings, with the Applicant providing the relevant information available although recognising that the highway boundaries are not always certain.</p> <p>The Applicant has demonstrated its commitment to providing Road Safety Audits through the inclusion of Requirement 11(4) in the draft DCO [REP5-005].</p>
<h3>3.2. Explanation and Discussion of the Local Highway Authorities' Submissions at Deadline 4 and Deadline 5 in Relation to the Applicant's Transport Assessment</h3>	
The suggestion of assessing the hour of greatest change in the Transport Assessment (TA) [APP-061].	<p>The Applicant confirmed its position that the Transport Assessment (TA) [APP-061] looks at peak hours in terms of total traffic flow, which is standard practice for TAs. The Applicant also indicated that there is no requirement in current national TA guidance to assess hours outside the network peaks – consideration of the hour of greatest change is more relevant to Environmental Impact Assessment. The Applicant considers the TA to be comprehensive and robust in determining that the project would not have any substantial impact on road network performance.</p> <p>The Applicant has responded in further detail in the Applicant's Response to the December Hearing Action Points (document 8.8.3, ISH6 Action Point 2).</p>
Control of construction staff numbers, construction vehicle numbers, crew bus numbers and the proportion of workers car sharing	<p>As outlined at Issue Specific Hearing 3, the Applicant considers that the TA and Environmental Statement (ES) Chapter 12 [APP-080] are a robust assessment of a reasonable worst-case in terms of project traffic and transport impacts. However, the Applicant needs to retain flexibility for the Main Works Contractor to respond to unforeseen or improbable events, and consequently is of the view that it would not be appropriate nor proportionate to secure staff numbers or vehicle numbers in the Construction Traffic Management Plan (CTMP). The Applicant confirmed construction routes are already secured within the CTMP [REP3-030].</p> <p>The Applicant referred to Paragraph 5.13.11 of the Overarching National Policy Statement for Energy (EN-1), whereby requirements may be attached to a consent where there is likely to be substantial heavy goods vehicle (HGV) traffic. The Applicant does not consider the project meets this threshold. Further, Paragraph 5.14.14 of the proposed revised EN-1 reinforces this point.</p> <p>Post submission note: subsequent to the hearings the Applicant has considered where details can be added to the CTMP to provide further confidence in the Travel Plan. Targets have now been included on the proportion of staff using crew vans, personnel per car and personnel per crew van. Commitments have also been added on monitoring performance against these targets, sharing information with the relevant highway authorities and discussing solutions if targets are not met. These changes are aimed at resolving comments from the relevant highway authorities.</p>
Clarification on shift patterns and seasonal activities	<p>The Applicant confirmed the shift patterns for the construction of the project would remain the same year-round. Seasonal activities would differ, with the more intensive work undertaken in the summer months. An indicative critical path for the construction schedule has been provided in the Applicant's Deadline 5 submission, Construction Schedules with Critical Path [REP5-027].</p>

Issue Discussed**Summary of Oral Case**

Additional analysis of collision data

The Applicant confirmed its agreement to undertake high level analysis of collision data on the routes identified by Suffolk County Council, with the Council due to confirm the list of locations at Deadline 6. The Applicant recognised there are injury clusters at these locations and will analyse the extent to which traffic related to the scheme may or may not impact upon collisions at these locations.

3. The Applicant's Summary of Case on Item 4.0: Construction Traffic and Construction Route Strategy

3.1 Item 4.0. Construction Traffic and Construction Route Strategy

Table 3.1 – Item 4.0. Construction Traffic and Construction Route Strategy

Issue Discussed	Summary of Oral Case
4.1. Data and Information Shared and State-of-Play Discussions Between the Applicant and the Local Highway Authorities since Issue Specific Hearing 3 (9 November 2023) in Relation to the Construction Traffic and the Construction Route Strategy	
Proposed updates to the CTMP	<p>The Applicant confirmed a further update to the CTMP will be provided at Deadline 6 (document 7.6 (C)). The Applicant agreed with the local highway authorities that there have been positive discussions on monitoring and impact, with progress made and areas identified by the Applicant where progress can continue. This includes a commitment to securing a higher figure of personnel per crew van.</p> <p>Notwithstanding the updates to be made at Deadline 6, the Applicant noted that it considers the CTMP to be robust, especially as it is reflective of an approach successfully pursued in similar projects undertaken by the Applicant to date.</p> <p>In addition to emphasising that the Applicant is highly experienced in the delivery of linear transmission projects, it was explained that the CTMP for the project had already benefitted from the specialist input of an experienced contractor.</p>
4.2 Explanation and Discussion (Methodologies, Measures and Specificity) of the Applicant's Updated Construction Traffic Management Plan [REP3-030]	
Requirement 2 of the dDCO [REP5-005]	<p>The Applicant noted that Requirement 2 (Time Limits) of the draft DCO [REP5-005] specifies a period of five-years (beginning on the date on which the Order comes into force) within which the authorised development must both begin and commence. It was further noted that a five-year implementation period is consistent with Regulation 6 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015. (The effect of Requirement 2 is set out at Paragraph 4.3.7 of the Explanatory Memorandum [REP5-007]).</p> <p>The Applicant explained that the TA [APP-061] assesses a reasonable worst-case scenario with significant contingency included based on robust assumptions about the construction programme for the project. A delay of up to five years in the start date would not affect the conclusions of the TA. The undertaking of further assessments of multiple programmes starting at different points is considered disproportionate to standard practice and guidance and is not necessary given the modest forecast impacts of the project on traffic and transport. This position is further set out in the Applicant's Response to the December Hearing Action Points (document 8.8.3, ISH6 Action Point 4).</p>

Issue Discussed	Summary of Oral Case
	<p>The Applicant reiterated that a year 5 start would not happen, due to the Net Zero obligations placed upon the Applicant by Government and the imperative need to deliver the project within a restricted timescale around planned network outages.</p>
<p>Status of the review of highway structures capacity to withstand abnormal indivisible loads (AILs)</p>	<p>The Wynns reports, provided within Reports on Abnormal Indivisible Load Access for Cable Drums, Transformers and Shunt Reactors (document 8.8.11) submitted at Deadline 6, include statements of discussions with the local highway authorities. Document 8.8.11 includes a structural assessment of the A131 Town Bridge at Halstead in Appendix D.</p> <p>The Applicant noted that the preferred AIL route is currently proposed for use by another National Grid Electricity Transmission project prior to any potential use by this project, and in this context any structural assessment of the ‘Raw Water Main Culvert’ on the A1214 may be undertaken by this earlier project.</p>
<p>Vehicle emission standards and monitoring</p>	<p>The Applicant confirmed that the vehicles to be used on the project would be compliant with the most recent emission standards. In accordance with good practice measure GG12 in the CoCP, [REP3-026], plant and vehicles will conform to relevant standards for the vehicle type as follows:</p> <ul style="list-style-type: none"> • Euro 4 (nitrogen oxides (NOx)) for petrol cars, vans and minibuses; • Euro 6 (NOx and particulate matter) for diesel cars, vans and minibuses; and • Euro VI (NOx and particulate matter) for lorries, buses, coaches and HGV (excluding specialist AIL). <p>The Applicant noted that reporting on the vehicles used on the project is included within the CTMP [REP3-030]. The Main Works Contractor would be responsible for reporting the information to the local highway authorities.</p>
<p>Condition of highway during the course of the project and s.59 of the Highways Act 1980</p>	<p>As the CTMP [REP3-030] explains, the Applicant has undertaken pre-construction surveys of the routes anticipated to be used by AIL.</p> <p>Post meeting note: the CTMP has been updated at Deadline 6 (document 7.6 (C)) to provide further detail on surveys carried out. The CTMP also specifies that condition surveys would be undertaken by the Main Works Contractor before and after construction, and that the results of these and any remediation would be discussed with the landowner and where applicable, the relevant Highway Authorities, prior to handover.</p> <p>Referring to previous submissions at Issue Specific Hearing 3, the Applicant noted that s.59 of the Highways Act 1980 already provides a statutory mechanism to enable cost recovery where damage to the highway is caused due to use of the highway by extraordinary traffic, and hence the Applicant submitted that it would not be necessary to seek to create a mechanism which duplicated matters set out in that Act. The Applicant submitted that such matters would, if they arose, be capable of being resolved through other means and without the need for recourse to s.59 of the Highways Act 1980.</p>

4. The Applicant's Summary of Case on Item 5.0: Proposed Temporary Traffic Restrictions

4.1 Item 5.0. Proposed Temporary Traffic Restrictions

Table 4.1 – Item 5.0. Proposed Temporary Traffic Restrictions

Issue Discussed	Summary of Oral Case
5.1. Data and Information Shared and State-of-Play of Discussions Between the Applicant and the Local Highway Authorities Since Issue Specific Hearing 3 (9 November 2023) in Relation to the Proposed Temporary Traffic Restrictions.	
Data and information shared with the local highway authorities and update on the current position	<p>The Applicant confirmed it has provided traffic flow classification and speed data to the local highway authorities. This supports the assurances made to the local highway authorities for safe operation of the access points for the proposed works, whereby the data shows that observed speed limits in these locations are lower than the current imposed speed limit. This is identified in the Applicant Response to the December Hearing Action Points (document 8.8.3, ISH6 Action Point 1) submitted at Deadline 6.</p> <p>The Applicant confirmed positive engagement with the local highway authorities will continue.</p>
Number of sites the speed data has been provided for	<p>The Applicant stated that the local highway authorities have already been provided with spreadsheets of baseline flow and speed as MS Excel files for 167 sites, across two-week periods.</p>
5.2. The Need For, and Proportionality of, the Proposed Temporary Traffic Regulation Orders (TTRO)	
The number of TTROs and Schedule 12 to the dDCO	<p>Whilst the Applicant's intention remains to adopt a proportionate approach in terms of the implementation of traffic regulation measures, it does not intend to revise downwards the number of traffic regulation orders listed in Schedule 12 to the draft DCO [REP5-005].</p> <p>The traffic regulation orders included in Schedule 12 are considered to reflect a reasonable worst case scenario, based on the specialist input of an experienced contractor and having had regard to the individual elements of work and characteristics of the existing highways network. They are required to provide the flexibility required to deliver the project at this point in the design. The Applicant's expectation is that the detailed design stage would draw out site specific requirements from a traffic regulation perspective.</p> <p>The Applicant also confirmed it understands the nature and extent of consultation required in relation to the exercise of powers pursuant to Article 47(2) of the draft DCO.</p>

5.3. Permits

Issue Discussed	Summary of Oral Case
Update on the current position	<p>The Applicant confirmed it is aware of the limitations of the Permit Schemes currently operated by Suffolk County Council and Essex County Council and has agreed to their use.</p> <p>The proposed framework highway agreement is intended to regulate those elements of the highway works and operations associated with the project which fall outside of the scope of the Permit Schemes.</p> <p>The Applicant intends to progress the framework highway agreement once comments on the Heads of Terms have been provided by Essex County Council (noting that those comments were due to have been provided by Deadline 5).</p>

5. The Applicant's Summary of Case on Item 6.0: Temporary and Permanent Measures that are Sought for Access to the Proposed Development

5.1 Item 6.0. Temporary and Permanent Measures that are Sought for Access to the Proposed Development

Table 5.1 – Item 6.0. Temporary and Permanent Measures that are Sought for Access to the Proposed Development

Issue Discussed	Summary of Oral Case
6.1. Data and Information Shared and State-of-Play of Discussions Between the Applicant and the Local Highway Authorities Since Issue Specific Hearing 3 (9 November 2023) in Relation to Temporary and Permanent Measures Sought for Access to the Proposed Development	
State-of-play of ongoing discussions	<p>The Applicant stated that the CTMP [REP3-030] related to requests for the securing of certain factors (as set out in Table 2.1 of this document) remain an area where an agreed position is being sought. The Applicant will continue the regular meetings with the local highway authorities with the intention to continue to reduce areas of difference.</p>
The DCO red line at each proposed temporary and permanent access	<p>The Applicant noted that the Order limits had been developed with the support of an experienced contractor taking account of land required for the access designs, with reference to information which was available prior to submission of the DCO application.</p> <p>The Applicant explained that the Order limits around access points took account of design requirements including: the geometry of the road, the posted speed limits, the available speed and traffic flow data, the bell-mouth form to accommodate the nature of traffic at each location and the vegetation clearance that may be necessary.</p> <p>Further detailed design would be undertaken at each location by the Main Works Contractor once appointed and approved by the relevant highway authorities in line with Requirement 11 to the draft DCO [REP5-005].</p> <p>At access point AB-AP5, the Applicant has undertaken further design work to validate existing assumptions and has had regard to feedback from the local highway authorities and continues to work through the detail with the parties involved.</p> <p>The Applicant is currently considering the list of access points the local highway authorities have raised queries on.</p>

6. The Applicant's Summary of Case on Item 7.0: Public Rights of Way and Assessment of Construction Traffic Impacts on Walkers, Cyclists and Horse Riders (WCH)

6.1 Item 7.0. Public Rights of Way and Assessment of Construction Traffic Impacts on WCH

Table 6.1 – Item 7.0. Public Rights of Way and Assessment of Construction Traffic Impacts on WCH

Issue Discussed	Summary of Oral Case
<p>7.1. Data and Information Shared and State-of-Play of Discussions Between the Applicant and the Local Highway Authorities Since Issue Specific Hearing 3 (9 November 2023) in Relation to Public Rights of Way (PRoW) and Assessment of Construction Traffic Impacts on Walkers, Cyclist and Horse Riders (WCH)</p>	
<p>The sequencing of PRoW closures</p>	<p>The Applicant confirmed that an outline programme providing a quarter-by-quarter evaluation of construction activities and the PRoWs which are likely to be impacted by those activities would be submitted at Deadline 6 (document 8.8.9, Technical Note on Public Right of Way Closure Sequencing). The Applicant emphasised that the short duration of closures, in combination with the limited number of PRoWs affected, would reduce the likelihood of multiple concurrent closures and confirmed that no significant effects are predicted as a result of sequential or concurrent closures.</p> <p>The Applicant confirmed that the PRoW Management Plan [REP3-056, section 5.2] specifies the information which would be provided to WCH users. The provision of a map as part of that information would be determined on a case-by-case basis based on the nature of the closure.</p> <p>The Applicant agreed to check if the PRoW through the Stour Valley is already included within the PRoW Management Plan. The Applicant has responded to this matter in the Applicant’s Response to the December Hearing Action Points (document 8.8.3, ISH6 Action Point 6).</p>
<p>Assurances over separation between WCH users and construction activities</p>	<p>The Applicant noted that the detail would be developed as the project progresses.</p> <p>However, the Applicant clarified that where the minimum width of separation could not be maintained, then the PRoW would be closed whilst the activities were undertaken.</p>

7. The Applicant's Summary of Case on Item 8.0: Traffic Management Plans

7.1 Item 8.0. Traffic Management Plans

Table 7.1 – Item 8.0. Traffic Management Plans

Issue Discussed	Summary of Oral Case
8.1. The Local Highway Authorities Will be Asked to Justify the Need For: Detailed Abnormal Indivisible Loads Management Plan	
Detailed AIL information in the CTMP	<p>The Applicant explained that an AIL Management Plan is not necessary as the information is already captured within other documents and processes.</p> <p>More particularly, the Applicant noted that the existing level of information on AILs is greater than would ordinarily be supplied at this stage. The AIL routes are identified in the CTMP, and have been separated from the HGV construction routes across Figures 1 and 2 within Appendix A of the CTMP for clarity at Deadline 6 (document 7.6 (C)).</p>
8.2. Detailed Port Traffic Management Plan	
Suffolk County Council's request for a Port Traffic Management Plan	The Applicant confirmed it was grateful for the confirmation from Suffolk County Council that the Council considered a detailed Port Traffic Management Plan as no longer needed.
8.3. Decommissioning Traffic Management Plan	
Decommissioning and the Traffic Management Plan	The Applicant stated it was implicit within Requirement 12 (Decommissioning) of Schedule 3 to the draft DCO [REP5-005] that a traffic management plan would need to be provided as part of any future written scheme of decommissioning. Traffic management would be a part of any future decommissioning process.

8. The Applicant's Summary of Case on Item 9.0: Any Other Business

8.1 Item 9.0. Any Other Business

Table 8.1 – Item 9.0. Any Other Business

Issue Discussed	Summary of Oral Case
9.0 The Closure of the Stour Navigation During Construction of Bailey Bridge	
The length of closure and the impact on events that use the Stour Navigation	<p>The Applicant clarified that temporary restrictions on existing public rights of navigation along the relevant part of the River Stour could be in place for up to a week, but in reality are likely to be in place for a shorter duration.</p> <p>The Applicant confirmed that engagement with the organisers of events due to take place on the River Stour would continue in order to ensure that planned events are not unduly impacted by any temporary restrictions placed upon navigation as a result of the project.</p> <p>Post hearing note: an additional commitment has been added to the CTMP at Deadline 6 (document 7.6 (C)) to state that temporary effects on the River would be timetabled to avoid major events.</p>

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National Grid plc
National Grid House,
Warwick Technology Park,
Gallows Hill, Warwick.
CV34 6DA United Kingdom

Registered in England and Wales
No. 4031152
nationalgrid.com